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FILED

OCTOBER 25, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE
SUSPENSION OR REVOCATION
OF THE LICENSE OF

AMADOR HORMILLA, M.D.
LICENSE NO. MA 45760

TO PRACTICE MEDICINE AND
SURGERY IN THE STATE OF
NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") on the receipt of a complaint alleging that Amador Hormilla, M.D. ("Respondent"): (1) failed to adequately document a medical basis for numerous laboratory tests, which were performed by his own laboratory; (2) improperly billed for a physical exam and medications for himself; and (3) self-prescribed medication.

Respondent Hormilla appeared before a Preliminary Evaluation Committee of the Board in February 2005 and testified about his medical care of a number of patients, the necessity for numerous

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diagnostic tests and his basic medical knowledge. Respondent was represented by counsel in all matters pertaining to the Board's investigation. Subsequent to his appearance in 2006, Respondent closed his laboratory and divested himself of his medical billing practice.

Having reviewed the entire record, including Respondent's testimony at the investigative inquiry and the medical records submitted, the Board finds that:

1. Respondent improperly ordered and billed for medical services and diagnostic tests that were not documented as necessary or as having been rendered in his medical records, thereby violating N.J.S.A. 45:1-21(b) and (e);

2. Respondent failed to maintain properly documented medical records, in violation of N.J.A.C. 13:35-6.5, thereby violating N.J.S.A. 45:1-21(h);

The Respondent being desirous of avoiding the initiation of formal action by the Board, and the Board finding the within disposition adequately protective of the public health, safety, and welfare and other good cause having been shown,

IT IS, therefore, on this 25TH day of OCTOBER, 2006,

ORDERED AND AGREED THAT:

1. Respondent, Amador Hormilla, M.D.'s, license to practice medicine is hereby suspended for a period of two (2) years, upon entry of this Order. The entire term shall be stayed and served as

a period of probation, as long as Dr. Hormilla successfully complies with all terms required by this Consent Order.

2. Dr. Hormilla shall successfully complete a Board-approved ethics course and an approved billing and documentation course within eighteen (18) months of the filing of this Consent Order. The Medical Education Director of the Board and the Attorney General shall approve the courses and receive reports of successful completion.

3. Respondent has divested himself of his clinical laboratory and agrees not to derive any income from such laboratory. Moreover, Respondent agrees not to own or operate or derive income from a clinical laboratory, with an exception made permitting him to be a minority shareholder in a publically-traded company involved with laboratory services. Respondent may apply for modification of this provision after the probationary period has been successfully completed.

4. Respondent has divested himself of his medical/health billing practice and agrees not to derive any income from such medical/health billing practice. Respondent may apply for modification of this provision after the probationary period has been successfully completed.

5. Dr. Hormilla shall successfully pass the Internal Medicine Board Exam offered in August 2007, and if he is unsuccessful, he shall be afforded the opportunity to take the exam again in 2008 during the probationary period. If Respondent fails

the exam twice, he must undergo evaluation by a Board-approved clinical competency assessment program, such as the Colorado Personalized Education Program ("CPEP"), at his own expense. If an assessment is required due to Respondent's twice failing the Internal Medicine Board exam, the Medical Education Director shall work with Respondent, the Attorney General, and the designated assessment program to structure both the assessment mechanism and an appropriate remedial education program to address identified weaknesses.

6. If necessary, the Board, through its Director of Medical Education and the Attorney General, shall receive reports detailing Respondent's compliance with the remedial education program developed according to a schedule to be agreed on by the assessment program, the Medical Education Director and Respondent.

7. Respondent agrees to successfully remediate any identified deficiencies, at his own expense, providing proof of such competence before his probationary period ends. Successful completion of the Internal Medicine Board Exam shall constitute sufficient evidence of competence and shall satisfy this term. However, if he fails the Internal Medicine Board Exam twice, and enters a remediation program in satisfaction of Paragraph 5 above, demonstration of competence shall be determined by the remediation program, in conjunction with the Medical Education Director of the Board. If he cannot demonstrate such competency within the two-year period, his license shall be automatically actively suspended

until he can demonstrate competence. If Respondent fails the exam twice and enters a clinical assessment program, he may apply for an extension of his probationary period, until such time as he successfully completes such program. The determination of whether the probationary period may be extended will be at the sole discretion of the Board.

8. Respondent is hereby assessed:

a. Civil penalties, pursuant to N.J.S.A. 45:1-22, for a total of Fifteen Thousand Dollars (\$15,000.00);

b. Costs of the prosecution of this matter, totaling \$55,000.00 for:

i. Expert report \$19,205.00;

ii. Enforcement Bureau Investigative Costs \$24,000.00;

iii. Attorney's fees \$12,300.00.

*c. A Certificate of Debt will be filed for all costs and penalties delineated in (a) and (b) above. Payment of all monies owed, pursuant to (a), shall be submitted in TWO payments of SIXTY-THOUSAND ^{WITHIN 30 DAYS} Dollars ^{THE REMAINDER} (\$60,000) and paid in full within TWELVE (12) months of the date this Consent Order is filed, with interest accruing from the date the Consent Order is filed at the post-judgment interest rate as established by New Jersey Court Rule 4:42-11(a)(ii), which is 2% for the year 2006, specifically \$10,200. Payment shall be submitted by certified check or money order payable to the State of New Jersey. Payment shall be sent via

regular mail to William Roeder, Executive Director, Board of Medical Examiners, P.O. Box 183, Trenton, NJ 08625-0183. The first payment shall be due within thirty (30) days of the filing of this Consent Order. Thereafter, payment shall be received in the Board office by the fifteenth (15th) of each month.

9. Respondent shall comply with the "Directives Applicable To Any Medical Board Licensee Who Is Disciplined Or Whose Surrender Of Licensure Has Been Accepted" which is attached hereto and made a part hereof.

NEW JERSEY STATE BOARD OF MEDICAL
EXAMINERS

Sindy M. Paul, MD, MPH

By: _____

Sindy Paul, M.D.
President

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Amador Hermilla, M.D.

Consented to as to form.


Robert DeGroot, Esq.
Counsel for Respondent